



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI

FAMILY DIVISION

DIVORCE CAUSE NO. 126 OF 2014

T E S.....PETITIONER

VERSUS

P M O.....RESPONDENT

JUDGEMENT

1. Marriage was celebrated between the parties herein on 21st June 2002 at the Office of the Registrar of Marriages, Nairobi. A certificate of marriage serial number [particulars withheld] was issued to them in accordance with the Marriage Act, Cap 150, Laws of Kenya (now repealed). The parties cohabited thereafter at Nairobi, Kenya. The couple was blessed with issue, but details are not given in the petition.

2. The petitioner alleges that the respondent deserted the matrimonial home, treated the petitioner and the children of the marriage with cruelty, and committed adultery. He has particularised the instances of cruelty and adultery. She is said to have physically assaulted the petitioner and the children, spent nights away from the matrimonial home and to have verbally assaulted the petitioner. He has accused her of committing adultery with other men which resulted in children being born out of wedlock, but the alleged paramours are not named nor made co-respondents. He pleads that the marriage has broken down irretrievably and seeks for its dissolution.

3. On 9th June 2016, the Deputy Registrar cleared the petition to proceed as undefended for the respondent had been served with the petition but he neither appeared nor answered the petition. The Petitioner testified on 16th June 2016. Her testimony gave vent to the allegations made in her petition. She stated that all efforts to reconcile had failed.

4. From the material placed before me it is plain that the marital relationship between the petitioner and the respondent has totally broken down. I find that there was cruelty meted on the petitioner by the respondent. I have noted that cohabitation has been broken, and parties have been apart since 2012. The marriage no doubt has practically come to an end.

5. In the circumstances, I am moved to make the following final orders:-

(a) That the marriage between the petitioner and the respondent, celebrated on 21st June 2002, is hereby dissolved;

(b) That decree nisi shall issue forthwith, to be made absolute within thirty (30) days; and

(c) That there shall be no order as to costs.

DATED and SIGNED at NAIROBI this 16TH DAY OF DECEMBER, 2016.

W. MUSYOKA

JUDGE

DELIVERED and SIGNED this 20TH DAY OF DECEMBER, 2016.

R. OUGO

JUDGE